

Appln No. 09/697,483

Amdt date April 5, 2004

Reply to Office action of January 5, 2004

REMARKS/ARGUMENTS

Claims 52-73 will now be pending in this application upon entry of the above amendments. Claims 52, 54, 61, 65, and 68 have been amended. Claims 72-73 have been added. The amendments find full support in the original specification, claims and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the present application are respectfully requested.

Claims 52 and 65 have been amended to correct certain informalities noted by the Examiner. The amendments were made for reasons unrelated to patentability. Withdrawal of the objection to claims 52 and 65 is respectfully requested.

Claims 58-64 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,883,633 to Gill et al. Applicant respectfully traverses this rejection.

Claim 58 is directed to "[a] method of encoding . . . comprising the steps of: . . . (c) in the event that said analysis discloses two or more successive pixels having identical appearance, recording a series of ordered triples comprising a first value representing said appearance, a second value representing the number of successive pixels having said appearance, and a third value representing an offset defining a starting position of said two or more successive pixels with respect to a pixel at a known position." (Emphasis added).

Gill fails to teach or even suggest all of the limitations of claim 58. First, Gill fails to teach a "third value representing an offset defining a starting position of said two

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or more successive pixels with respect to a pixel at a known position." The row pointers disclosed in Gill simply represent byte offsets into a "row source data," which is simply a data structure containing all of the color and run length information for the image. (See, Col. 2, lines 20-26; Col. 10, lines 26-32; Col. 11, lines 3-10). As explained in Gill, "[t]he use of row pointers enables the data bytes of identical rows to be eliminated and referenced by a single row pointer." (Col. 9, lines 45-46). Thus, in FIG. 10 of Gill, the illustrated rows 2 and 3 of the image being encoded have identical color and run length information. Thus, both rows 2 and 3 of the image may be represented by the same offset pointer that simply identifies a location in the row source data structure that contains the actual color and run length information. (See, FIG. 12).

Second, Gill fails to teach that the "third value representing an offset" is included in a "series of ordered triples" comprising a "first value" and "second value." Thus, even if Gill's row pointers were equivalent to the "third value" recited in claim 58, nothing in Gill teaches or suggests that the row pointers are stored in the recited "series of ordered triples." In fact, Gill teaches that the row pointers are stored in a header section 80 that is separate from the row source data structure 76 that stores the actual color and run length information. (See, FIG. 12). Accordingly, Applicant submits that claim 58 is not fully anticipated by Gill, and is thus in condition for allowance.

Claim 61 has been amended to recite "[a] method of decoding at least a portion of an image encoded according to the method

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of claim 58." Claim 61 further recites "rendering pixels . . . beginning at said starting position with respect to a pixel at a known position." Gill fails to teach "rendering pixels . . . beginning at" the location indicated by a row pointer. Claim 61 is thus also in condition for allowance.

Claims 59-60 and 62-64 are also in condition for allowance because they depend on either allowable claim 58 or 61, and for the additional limitations contained therein.

Claims 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,748,512 to Armstrong. Applicant respectfully traverses this rejection.

The Examiner contends that Armstrong discloses all of the limitations of independent claim 52 except that Armstrong does not disclose "ordered pairs" or the "recording for each successive traverse a series of values corresponding to said second value of each ordered pair." The Examiner, however, contends that because "Armstrong stores the number of identical rows . . . the second values, of the ordered pairs, for each successive traverse is recorded as required by claim 52." Applicant respectfully disagrees.

In Armstrong, the first field stores the number of consecutive identical lines having the same format. (See, Col. 5, lines 2-4). Thus, because the content and format of any first or second value would be identical for such consecutive lines, Armstrong would not in fact record "for each successive traverse a series of values corresponding to said second value of each ordered pair." Doing so would be redundant since all of the successive lines are identical to the first line in the

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succession, and thus, only the information for the first line is needed later during the decompression stage. (See, Col. 7, line 6 - Col. 8, line 34). Accordingly, Applicant submits that the Examiner has not established a *prima facie* case of obviousness with respect to claim 52. Claim 52 is therefore in condition for allowance.

Claim 54 has been amended to recite "[a] method of decoding an image encoded according to the method of claim 52." Accordingly, claim 54 is in condition for allowance.

Claims 53 and 55-57 are also in condition for allowance because they depend on allowable claim 52 or 54, and for the additional limitations contained therein.

Claims 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,501,853 to Gregg et al., in view of Armstrong. Applicant respectfully traverses this rejection.

The Examiner acknowledges that Gregg fails to disclose at least the steps (e) and (f) of claim 65 which states:

"(e) in the event that said comparison discloses two or more successive traverses having an identical number of distinct appearances in an identical progression:

(i) recording a number N corresponding to the number of such successive traverses;

(ii) for the first of such successive traverses, recording for each sequence of pixels having a distinct appearance different from said characteristic background appearance an ordered triple comprising a first value representing said appearance, a second value representing the number of successive pixels having said appearance, and a third value representing an offset defining a starting position of

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said two or more successive pixels with respect to a pixel at a known position;

(iii) for the following of said N minus one traverses, recording for each sequence of pixels having a distinct appearance different from said characteristic background appearance an ordered double comprising a first quantity representing the number of successive pixels having said appearance indicated by the first value of the ordered triple recorded for the corresponding sequence of pixels in the first traverse, and a second quantity representing an offset defining a starting position of said two or more successive pixels with respect to a pixel at a known position;

(f) in the event that said comparison fails to disclose two or more successive traverses having an identical number of distinct appearances in an identical progression, recording the number one and recording for said traverse a series of ordered triples comprising a first value representing an appearance different from said characteristic background appearance, a second value representing the number of successive pixels having said appearance, and a third value representing an offset defining a starting position of said two or more successive pixels with respect to a pixel at a known position."

The Examiner, however, contends that "Gregg teaches the method of storing the ordered triple comprising the appearance, number of successive pixels, and offset from a known pixel." (Office Action, p. 10, lines 6-8). In doing so, the Examiner relies on Gregg's disclosure in column 7, lines 30-67, column 8, and Figures 2-5. The cited section of Gregg is directed to automatically defining the boundaries of the first and second areas of a matrix of pixels based on the pixels that have changed in value since a preceding image frame. The idea is that areas having high concentrations of changed pixels are of

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relatively great interest in the video program and should be processed using relatively little compression.

Nothing in the cited portion teaches or suggests that the actual pixel values are stored in any type of ordered triple, and much less, "an ordered triple comprising a first value representing said appearance, a second value representing the number of successive pixels having said appearance, and a third value representing an offset defining a starting position of said two or more successive pixels with respect to a pixel at a known position." In fact, Gregg discloses that once it is determined that the value of the pixel has changed, the coordinates of the pixel are stored in a list of pixels rather than their values. (See, Col. 7, lines 36-39, lines 45-47).

Even if assuming, *arguendo*, that Gregg did disclose storing an ordered triple during its process of automatically defining the boundaries of the first and second areas, it fails to teach that such ordered triple be stored "in the event that said comparison discloses two or more successive traverses having an identical number of distinct appearances in an identical progression" during the process of encoding a portion of an image.

The Examiner relies on Armstrong to make up for this deficiency. However, it is well-settled that an Examiner cannot establish a *prima facie* case of obviousness merely by locating references which describe various aspects of a patent applicant's invention -- the Examiner must also "show some objective teaching in the prior art . . . that would lead [one of ordinary skill in the art] to combine the relevant teachings of

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the references" (In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); see also, Ex parte Levengood, 28 USPQ2d 1300, 1302 (BPAI 1993)). The Examiner here fails to point to any objective evidence which would motivate one of ordinary skill in the art to record the "ordered triple" during an encoding process as is recited in claim 65.

Instead, the Examiner makes a broad conclusory statement that "[i]t would be obvious to one skilled in the art at the time of the invention to combine the encoder of Gregg with the encoder of Armstrong in order to perform a desired image encoding for a region." (Office Action, p. 10, lines 19-21). However, such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence' of a motivation to combine, and therefore cannot support a § 103 rejection. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000). Accordingly, Applicant submits that the Examiner has not established a *prima facie* case of obviousness with respect to claim 65. Claim 65 is therefore in condition for allowance.

Claim 68 has been amended to recite "[a] method of decoding at least a portion of an image encoded according to the method of claim 65." Accordingly, claim 68 is also in condition for allowance.

Claims 66-67 and 69-71 are also in condition for allowance because they depend on allowable claim 65 or 68, and for the additional limitations contained therein.

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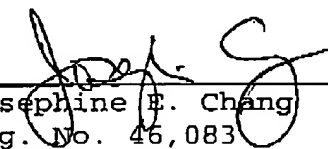
Claims 72 and 73 are new in this application. These claims are in condition for allowance because they depend directly or indirectly upon independent claim 52, and for the additional limitations contained therein.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now pending claims 52-73 are respectfully requested.

Applicant re-submits herewith a Substitution Power of Attorney with Change of Address for Correspondence by Assignee, which was originally submitted via fax on October 27, 2003. Applicant respectfully requests that all future correspondence be sent to the undersigned at the address indicated therein.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By


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